IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Bail Appl..No. 7689 of 2007(A)

(C.C. NO. 83/07 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, WADAKKANCHERY NOW PENDING AS L.P. NO. 83/07)

.....

PETITIONER/IST ACCUSED:

JOYMON @ JOSEMON, S/O.JOY, PADIYATTIL HOUSE, KALADI.

BY ADV. SRI.C.A.CHACKO,
ADV. SMT.C.M.CHARISMA,
ADV. SRI.N.A.SHAFEEK.

RESPONDENT/STATE:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7689 OF 2007

Dated this the 13th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner faces indictment in a crime for offences punishable, inter alia, under Sec.324 read with Sec.149 of the IPC. All offences alleged are bailable. The petitioner was not arrested or released on bail at any stage. After completing the investigation, final report was filed. The petitioner was not available. The case against the petitioner was split up. The co-accused have already been found not guilty and acquitted, it is submitted. The case against the petitioner has now been transferred to the list of Long Pending Cases. Coercive processes have been issued against the petitioner by the learned Magistrate. The petitioner finds such coercive processes chasing him now.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate and seek regular bail. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the

learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-
(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge